

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Naohiro YOSHIDA

Group Art Unit: 1795

Application No.: 10/586,792

Examiner: K. HAN

Filed: July 20, 2006

Docket No.: 128727

For: FUEL CELL SYSTEM AND METHOD FOR DRIVING SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 28, 2009 Restriction Requirement, Applicant provisionally elects Group II, claim 9, with traverse.

Applicant submits that the restriction is improper as to the claims of Groups I-III. The Patent Office has identified "a drive means provided in the circulation route serving to circulate fuel gas" as the alleged common special technical feature. Applicant submits that the claims of Groups I-III share common features other than the feature identified by the Patent Office, and submit that it is not proper, under Rule 13.2, to restrict the claims until a full examination of all of the features of the claims is complete and each of the common features is found to be unpatentable.

It is also respectfully submitted that the subject matter of all claims 8-23 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without

serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: May 27, 2009

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